

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/762,782	RAUSCH, THOMAS	
	<b>Examiner</b> Russell Kallis	<b>Art Unit</b> 1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/01/2003.
2.  The allowed claim(s) is/are 22-25,27-35 (renumbered 1-13).
3.  The drawings filed on 12 February 2001 and 24 February 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1  Notice of References Cited (PTO-892)
- 3  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5  Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- 7  Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2  Notice of Informal Patent Application (PTO-152)
- 4  Interview Summary (PTO-413), Paper No. 20030922
- 6  Examiner's Amendment/Comment
- 8  Examiner's Statement of Reasons for Allowance
- 9  Other

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180 1638

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles C. Achkar on 9/23/2003.

The application has been amended as follows:

In the Specification:

On Page 1 of the Specification, line 3, "Description" was replaced with the following paragraphs:

--This application is a 371 of PCT/EP99/05890 filed 11 August 1999.

**FIELD OF THE INVENTION--.**

On Page 2, between lines 24 and 25, the following was inserted:

**--SUMMARY OF THE INVENTION--.**

On Page 3, between lines 11 and 12, the following was inserted:

**--BRIEF DESCRIPTION OF THE DRAWINGS**

Figure 1 shows the detection of invertase inhibitors in plants other than tobacco.

Figure 2 shows the binary vector (BinAR) for *Agrobacterium tumefaciens*-mediated transformation.

Figure 3 shows cell wall invertase activities in the ovary of a tobacco wild-type (SNN), an antisense transformant (as16), and a sense transformant (s9).

Figure 4 shows the selective reduction or increase of the invertase inhibitor in stamens and ovaries.

Figure 5 shows germination of wild-type, antisense transformant, or sense transformant tobacco seeds.

#### DETAILED DESCRIPTION OF THE INVENTION--.

On Page 13 of the specification, following the claims, the following abstract was inserted:

#### --ABSTRACT

The invention relates to transgenic plants and plant cells comprising a reduced expression of invertase inhibitors. The modification of the expression of the invertase inhibitors is achieved by introducing a cDNA sequence in an antisense orientation with respect to a promoter. The expression of the antisense DNA sequence is under the regulation of either the CaMV35S promoter or a tissue specific promoter.--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is (703) 305-5417. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (703) 306-3218. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0198.

Russell Kallis Ph.D.  
September 22, 2003

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